

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

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RITCHIE RISK-LINKED STRATEGIES)
TRADING (IRELAND), LIMITED, ET AL.)

Plaintiffs,)

v.)

COVENTRY FIRST LLC, ET AL.)

Defendants.)
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Civil Action No. 1:09-cv-01086-VM-DCF

(ECF)

**DECLARATION OF DAVID A. FORKNER IN SUPPORT OF
DEFENDANTS' RESPONSE TO PLAINTIFFS' OBJECTIONS TO
MAGISTRATE JUDGE DEBRA FREEMAN'S FEBRUARY 17, 2012 ORDER**

I, David A. Forkner, declare as follows:

1. I am over 18 years of age and a partner in the law firm of Williams & Connolly LLP, counsel to Defendants in the above-captioned matter. I submit this declaration in support of Defendants' Response to Plaintiffs' Objections to Magistrate Judge Debra Freeman's February 17, 2012 Order ("Defendants' Response"). I have personal knowledge of the matters set forth herein.

2. On January 11, 2012, I met with James R. Hubbard, Esq. at the law offices of Williams & Connolly LLP, 725 12th St. N.W., Washington D.C. 20005. Mr. Hubbard is one of the lead attorneys for Plaintiffs. Present at that meeting were myself, Mr. Hubbard, and Kenneth J. Brown, Esq. During that meeting, I specifically asked Mr. Hubbard whether Plaintiffs intended to submit reports from additional experts, as the ensuing deposition schedule would depend on their answer. Mr. Hubbard informed me that Plaintiffs did not intend to submit any additional reports from either their existing experts or any new expert.


3. Based on Mr. Hubbard's representation and the lack of any additional expert designations by Plaintiffs on January 17, 2012, the parties proceeded to schedule the depositions of Defendants' experts. In doing so, the parties jointly requested a two-day extension of the

February 22, 2012 cutoff in order to complete the last of them (a witness traveling from Japan). Judge Freeman "So Ordered" that request on February 1, 2012.

4. Because Plaintiffs' counsel complained of the burden associated with redacting Defendants' expert reports, Defendants' counsel offered to perform that work for Plaintiffs, provided that Plaintiffs compensated them for their time. The total bill to Plaintiffs was \$5,000.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 15, 2012



David A. Forkner

CERTIFICATE OF SERVICE

I hereby certify that, on the 15th day of March, 2012, in accordance with Fed. R. Civ. P. 5 and the General Order on Electronic Case Filing (ECF), the foregoing was served via the district court's ECF system on:

Jeffrey L. Liddle, Esq.
James R. Hubbard, Esq.
James Halter, Esq.
Liddle & Robinson, L.L.P.
800 Third Avenue, 8th Floor
New York, N.Y. 10022
Attorneys for Plaintiffs

/s/Thomas Windom
Thomas Windom